

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 14

July 17, 2000

**SUBJECT: FELONY WARRANT ARRESTS MADE OUTSIDE THE COUNTY OF
ISSUANCE**

PURPOSE: Section 821 of the California Penal Code (PC) provides felony warrant arrestees, if arrested outside the county of issuance but within the State of California, the right to a bail hearing before a magistrate in the county of their arrest. This Order establishes a procedure for employees to follow to be in compliance with Section 821 PC and activates the Compliance with Section 821 of California Penal Code, Form 8.48.01.

PROCEDURE:

**I. COMPLIANCE WITH SECTION 821 OF THE CALIFORNIA PENAL CODE,
FORM 8.48.01 - ACTIVATED.**

A. Use of Form. This form is used to inform defendants arrested for a bailable felony warrant of their 821 PC right. This form is only used for arrests made outside of the county of issuance, but within the State of California. Compliance necessitates documentation of the defendant acknowledging his/her option to have a bail hearing within the county of arrest or to be transported to the court of issuance. The decision is indicated within the notification narrative.

B. Completion - General. The officer making an arrest outside the county from which the warrant was issued shall complete this form, ensuring that the defendant reads, understands, and signs the form.

C. Distribution.

- 1 - Original, attached as the final page of the Arrest Report
- 1 - Copy, arrestee
- 1 - Copy, attached to the Jail Custody Record

3 - TOTAL

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II. **OFFICER RESPONSIBILITY.** Officers who arrest a bailable felony warrant defendant outside the county of issuance, but within the State of California, shall complete a Compliance with Section 821 of the California Penal Code, Form 8.48.01. The arresting officer shall inform the defendant of his option to have a bail hearing in the county of arrest, or in the county the warrant was issued. After obtaining the defendant's signature, the officer shall sign and date the form. If the defendant refuses to sign, the word "refused" shall be written in the space provided for the defendant's signature. The form shall be included as a page in the Arrest Report.

Note: This procedure does not apply to no-bail warrants, and shall apply to an arrestee who is booked on a felony warrant only, with no open charges.

III. **JAIL DIVISION EMPLOYEE RESPONSIBILITY.** The following procedures shall only apply to arrestees booked for warrants that were issued within the State of California, but outside the County of Los Angeles. When a Jail Division employee receives an arrestee to be booked for an out-of-county felony warrant, with the exception of no-bail warrants, the Jail Division employee shall follow normal booking procedures, and:

- * Ensure the Form 8.48.01 is complete;
- * Ensure a transfer to the appropriate court is completed should the arrestee desire to go before a magistrate within Los Angeles County; and,
- * Notify the county that issued the warrant to pick up the arrestee, if the arrestee waives the right to go before a magistrate in Los Angeles County.

Note: If the agency holding the warrant contracts with the Los Angeles Sheriff's Department for transportation, the arrestee shall be transferred to Sheriff's custody and transported by the Sheriff's Department. All other agencies shall take custody of the arrestee within five days, or five court days if the law enforcement agency requesting arrest is more than 400 miles away, otherwise the agency shall be notified and the arrestee shall be released.

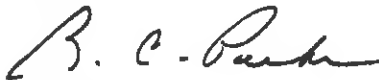
FORM AVAILABILITY: The Compliance with Section 821 of California Penal Code Form, Form 8.48.1, will be available from Supply Section and on the Local Area Network System. A copy of

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the form is attached for use by Area/divisional personnel until the form can be acquired.

AMENDMENTS: This Order adds sections 4/725.57 and 5/8.48.1 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Detective Services Group, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.



BERNARD C. PARKS
Chief of Police

Attachment

DISTRIBUTION "A"

PAGE NO.	TYPE OF REPORT Arrest	BOOKING NO.	DR NO.
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COMPLIANCE WITH 821 PC

You, _____, have been arrested by the Los Angeles Police Department for (Warrant Number) _____.

Since your arrest has been made outside of the county the warrant was issued, it is your right under Section 821 of the California Penal Code (PC), to be brought before a magistrate in the county of arrest in order to be allowed the opportunity to post bail.

If you post bail in the county of arrest, then you shall be required to appear in front of the magistrate of the county who issued the warrant on the date indicated when bail was posted. It is also your right to waive your appearance in the county of arrest and be transported to a jail in the county the warrant was issued where you will be booked and brought before the magistrate who issued the warrant as required by law.

I have been read this notice and understand my rights under 821 PC, and I request that I be booked in _____ County.

Signature of Defendant

Signature of Officer

Date